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Appl. No.: 10/630,156
Amdt. Dated: 08/17/2006
Off. Act. Dated: 05/17/2006

REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested in view of the foregoing amendments and discussion presented herein.

1. Rejection of Claims 1-21 under 35 U.S.C. §112, first paragraph.

Claims 1-18 were rejected under 35 U.S.C. §112, first paragraph, as being enabling for "independently-acting compliant members such as springs and member 70 depicted in Figures 5-7", but not providing enablement for "other compliant members such as memory metals and other elements that are capable of assuring continuous and robust electrical contact between the separator plate and the membrane electrode assembly".

The Examiner's concern regarding "other compliant members such as memory metals..." is misplaced. The application is enabling for "compliant electrical contacts, which can take a number of forms" (para. [0013]), which "can be made of any conducting substances" (paragraph [0014], also providing a representative list), and "which press the lamina 72 into intimate contact with the adjoining MEA" (para. [0030]). One of ordinary skill in the art would be familiar with the possible forms of compliant electrical contacts, their composition, and would appreciate the various types of compliant electrical contacts that would be used in the instant application as claimed.

Moreover, the Examiner's kind attention is drawn to paragraph [0008] of the original specification:

To address the difficulty in maintaining electrical connection, the inventors of the present patent have developed a system of independently acting electrical contacts that robustly maintain contact between the BSP and MEA. These contacts are described in U.S. application Ser. No. 10/068,154. That patent application is incorporated herein by reference as if set out in full.

U.S. application serial number 10/068,154 is now U.S. Patent 6,815,113. At column 3, lines 63-66, U.S. Patent 6,815,113 states that "compliant electrical contact" refers to a spring-like or other flexible adjusting electrical contact that creates the

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contact loads and pressures of an operating fuel cell and maintains substantially constant electrical contact" and discloses arrays of independently acting compliant electrical contacts used with a fuel cell.

The instant application, in fact, utilizes the specific subject matter (the independently acting electrical contacts) of U.S. Patent 6,815,113. The subject matter of U.S. Patent 6,815,113 is representative of what is known in the art, and is fully enabled by its disclosure. By virtue of the incorporation by reference, the same subject matter is fully enabled in the instant application. Thus, the rejection under 35 U.S.C. §112, first paragraph, is inappropriate, and must be withdrawn.

2. Amendments Made Without Prejudice or Estoppel.

Notwithstanding the traversing remarks provided above, Applicants have made these amendments in order to expedite allowance of the currently pending subject matter. However, Applicants do not acquiesce in the original ground for rejection and any amendments have been made without any prejudice, waiver, or estoppel, and without forfeiture or dedication to the public, with respect to the original subject matter of the claims as originally filed or in their form immediately preceding these amendments. Applicants reserve the right to pursue the original scope of these claims in the future, such as through continuation practice, for example.

3. Conclusion.

Based on the foregoing, Applicants respectfully request that the various grounds for rejection in the Office Action be reconsidered and withdrawn with respect to the presently amended form of the claims, and that a Notice of Allowance be issued for the present application to pass to issuance.

In the event any further matters remain at issue with respect to the present application, Applicants respectfully request that the Examiner please contact the undersigned below at the telephone number indicated in order to discuss such matter

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prior to the next action on the merits of this application.

Date: 8/17/06

Respectfully submitted,



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